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Date: June 11, 2003 Planning Commission Meeting

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings

Report Prepared by: Troy Fujimoto

Public Hearing: Yes: ☒ No: ☐

Notices Mailed On: 5-30-03 Published On: 5-29-03 Posted On: 5-30-03

**TITLE: SITE AND ARCHITECTURAL AMENDMENT (P-SA2003-23) AND
USE PERMIT AMENDMENT NO. P-UA2003-7 APPROVAL**

Proposal: A request to add 1,700 square feet and 84 seats (72 in the dining room and 12 in the waiting area) to the existing King Crab restaurant at Calaveras Plaza without adding the 25 parking spaces required for the building expansion.

Location: 269 West Calaveras Boulevard

APN: 022-25-041

RECOMMENDATION: Approval with Conditions

Applicant: Peter Chan, King Crab Restaurant, 269 West Calaveras Boulevard, Milpitas, CA 95035.

Property Owner: Lisa Lo, 1105 Tanglewood Way, San Mateo, CA 94403

Previous Action(s): "S" Zone Approval, Use Permits and Amendments

General Plan Designation: General Commercial

Present Zoning: General Commercial with an "S" Zone Overlay (C2-S)

Existing Land Use: Multi-tenant shopping center

Agenda Sent To: Applicant & Owner (same as above)
Eddy Shen, LRS Associates, 102 Persian Drive #201, Sunnyvale, CA 94089

Attachments: Plans
Planning Commission Resolution No. 168
City Council Resolution No. 6296
Transportation Analysis from PH Associates, dated 2/10/2003

PJ#2322

BACKGROUND

The Calaveras Plaza development was granted "S" Zone approval by the Planning Commission in 1976. Since then, amendments to the approval have been obtained, including modifications to architectural elevations, sign proposals, parking lot re-striping and gates. In 1995, the Planning Commission approved a parking lot re-striping that resulted in 431 spaces, however, a more recent re-striping reduced the parking supply to 416 spaces. Numerous use permits have also been approved for various projects within the plaza.

The applicant has worked with the City to comply with Midtown Design Guidelines and Standards. The applicant has revised their plans to be in conformance.

Site Description

The Calaveras Plaza is a neighborhood shopping center with two relatively large tenants (Save Mart and Kinko's) along with several smaller retail tenants, restaurants and two freestanding buildings (Burger King and Cal-Fed Bank). The 7.63-acre site contains approximately 75,000 square feet of retail space and is situated on four parcels. The site is located north of West Calaveras Boulevard and west of Butler Street. To the north and west of the shopping center are single-family residential uses. To the south is the Serra Center and other retail uses.

In the past there have been noise, odor and garbage problems associated with various restaurants (Mr. Chau's) in the shopping center. Past problems included improper food disposal, improper storage of garbage, odor problems and noise from garbage pickup and truck deliveries. At the time of the violations, steps were taken to rectify the problem including requiring the installation of an "Odorestor" device to control odors and construction of a new fence to help suppress noise.

THE APPLICATION

The application is submitted pursuant to Section 42 ("S" Zone Approval), Section 19.03-36 (General Commercial, Conditional Uses, Restaurants which include on-site consumption of alcoholic beverages), Section 57.02-18 (Conditional Uses, Permit the modification of automobile parking space requirements), and Section 57 (Use Permits) of the Milpitas Zoning Ordinance. The applicant is requesting approval to construct an approximate 1,700 square foot building addition to the existing 75,000 square foot shopping center, increase total seating from 120 seats to 204 seats (192 in the dining area and 12 in the waiting area), and requesting a 31 space parking reduction.

As part of the application, the application is proposing the addition of garbage enclosures, new landscaping, and a new pedestrian connection to Calaveras Boulevard.

PROJECT DESCRIPTION

Site Layout and Access: The existing building is located on the northeastern portion of the property. The building is in a "C" shape with parking mainly to the north and south. There are also two freestanding buildings, one at the corner of Butler Street and Calaveras Boulevard and one at the southwest corner of the property. The proposed building addition will be located at the southwest corner of the building. Solid waste handling and deliveries occur at the rear of the building (on the north end of the property). Access to the site is located off of Calaveras Boulevard, Butler Street and from the shopping center to the west.



View of tenant space, looking north

Parking: Based on the proposed addition of 72 seats for the restaurant, this will require 26 additional parking spaces (1 space per 3 seats and an additional ten (10) percent for employees). Currently the site does not have any excess parking spaces, as such a parking reduction is being requested by the applicant. Further discussion on parking is discussed later in the staff report.

Building Architecture: The building addition will be in keeping with the current “early California” architecture style of the building. The building addition will continue the mansard style roof with concrete tile that is in the existing building. The new addition exterior will be of masonry block and will have new windows. Architectural features include clear glazed windows recessed into frames. The new addition will have a new portico over the main entry into the restaurant. The portico will extend into the parking lot handicap loading area. The portico will incorporate the existing architectural style and concrete tiles for the roof material.

Floor Plan: The new layout of the restaurant will include the new 1,700 square foot addition at the side and front of the restaurant. In addition the restaurant is taking over an existing 1,300 square foot neighboring tenant space. With the additional tenant space and building expansion, the restaurant will be over 5,900 square feet. The dining area will be at the front and west end of the tenant space with bathrooms and the kitchen at the rear.

Trash/Recycling Enclosure: Currently the site does not have any garbage enclosures. The applicant is proposing to add two new garbage enclosures to the site as part of meeting the Midtown Development Guidelines and Standards. One enclosure will be located at the rear of the tenant space, while the other will be located on the other end of the shopping center. This will not be adequate to serve the existing needs of the center; further discussion is provided later in the staff report.

Landscaping: The site currently is landscaped with mature trees, bushes and ground cover. However, because of the age of the landscaping and less than ideal growing conditions over the years, the majority of the landscaping has not performed well. Gaps in landscaping and sub-par performing plants are present throughout the site. Further discussion can be found later in the staff report.

Storm Water Runoff: Storm water runoff from the new addition will be directed to landscaped areas wherever possible and new roof drains will empty to landscaped areas.

ISSUES**USE PERMIT FINDINGS**

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how these findings can be made for the proposed project, as conditioned.

Conformance with the General Plan

The project conforms to the General Plan in that the use directly relates to:

Implementing Policy 2.a-I-3, which encourages economic pursuits, which will strengthen and promote development through stability and balance,

Implementing Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector, and

The proposed addition of seats to the existing restaurant will maintain this business in its location and will increase its attraction to patrons of the shopping center. It will help to maintain the vitality of the shopping center.

Conformance with the Zoning Ordinance

The proposed project is located in the General Commercial Zoning District (C-2). Part of this district's purpose is to "include those commercial uses in which shopping may be conducted by people walking to several stores as in a center and may include uses customarily of a single-purpose character served from an immediately parked automobile." The project, with recommended conditions of approval, complies with the City's zoning ordinance for the General Commercial district, because it is a retail tenant in a multi-tenant center.

In addition, the project, with recommended conditions of approval, complies with the City's zoning ordinance development standards for the General Commercial district; specifically building height, setbacks, and FAR, as shown in the table below.

Zoning Development Standard	Proposed Project	Complies?
Building Height: No limit	25 feet	Yes
Floor Area Ratio: 85%	23%	Yes
Front Yard Setback: none	Over 80 feet	Yes
Side Yard Setback: 15 feet when adjacent to residential	Over 20 feet	Yes

Conformance with the Midtown Specific Plan

The project is located within the Midtown Specific Plan area. The proposed project triggers Midtown Design Standards and Guidelines as it is adding an addition to an existing building of over 500 square feet. However, because the project is an addition to an existing building there are certain Midtown Design Standards and Guidelines that cannot be met unless the existing building is demolished.

The following design guidelines and standards can be implemented without the existing building being demolished:

Chapter 8

Section 6.a (Utilities): Utilities shall be placed underground or within subsurface conduits. To comply with this requirement, **staff recommends** that all new utilities shall be placed underground or in subsurface conduits.

Section 6.a (Utilities): Roof mounted equipment shall be screened from all ground level views. The applicant is ensuring that all roof top equipment for the entire building is screened from ground views.

Section A.3.a (Parking Areas): Trees for surface parking lots should be installed at a ratio of 1 tree for every 3 perimeter spaces and 1 tree for every 6 interior parking spaces. The applicant has agreed to submit a revised landscaping plan that incorporates this requirement. As such, **staff recommends**, the applicant submit a revised landscaping plan that incorporates trees at the 1 to 3 and 1 to 6 ratios as described above. In addition, this revised landscaping plan will show revisions to the entire site, which will include improvements to the existing landscaping situation.

Section A.3.j (Parking Areas): Broadleaf and deciduous trees should be used. As such, **staff recommends** that the landscaping plan shall incorporate trees that are of the broadleaf and deciduous type.

Section B.2.b (Building Massing and Articulation): No façade shall consist of a blank wall. The applicant revised their initial plans to incorporate windows along the eastern facing wall to conform with this design standard. No changes to existing blank walls are proposed.

Section B.2.e (Building Massing and Articulation): Building entries should be emphasized with architectural or landscape treatment. The applicant has proposed a new portico for the entrance to the King Crab restaurant. It should be noted that currently, the shopping center does not have any other entry emphasis.

Section C.3.a (General Planting Guidelines): To conform to this design guideline, **staff recommends** that the revised landscaping plan incorporate the following:

- ☐ Use of native and drought-tolerant plant materials.
- ☐ Mulched planting beds as a replacement for turf areas, including the use of bark chips, wood grinding or leaves.
- ☐ Landscape plantings shall be grouped according to water needs.
- ☐ An automatic water system utilizing low volume drip, spray or bubbler emitters will be installed to efficiently water landscape areas.

Section D.3.d (Large Floorplate retail): Continuous sidewalks should be provided from the primary street directly to the doorway. The applicant has designed and implemented a new pedestrian path that leads from Calaveras Boulevard to the King Crab entrance. The new walkway will include special concrete stamping to identify it as a walkway.

Section D.3.e (Large Floorplate retail): Continuous arcade along the front façade. The applicant is maintaining the existing arcade along the entire length of the front of the building.

The applicant has gone to considerable lengths to incorporate Midtown Design Guidelines and Standards into their project proposal.

Conformance with the “S” Zone Combining District

The purpose of the “S” Zone Combining District is to “ensure orderly, attractive and harmonious development; recognize environmental limitations on development”. In this case, the project will not impact the site and neighborhood because the proposed building addition is architecturally like the existing building. The addition will not dominate or contribute to domination of the site as the addition adds less than 2% to the total building size and the building is well within the setback requirements, which will not encroach onto neighboring properties. The project incorporates new windows on a portion of the building that has a solid wall. The project also uses earth tone colors that are consistent with buildings grouped in the area and are Midtown recommended colors.

Odors & Solid Waste

As mentioned previously in this report, this shopping center does not currently have any garbage enclosures on-site. Garbage bins and the like are stored at the rear of the building and often block parking spaces at the rear of the building. Whenever blocking occurs happens, the site is non-conforming in regards to parking. In addition, because patrons also park at the rear, it is not visually pleasing to see garbage bins scattered throughout the rear area and this is in violation of the zoning ordinance that requires that all outdoor storage areas of things such as garbage to be completely enclosed or behind a solid wall or tight board fence a minimum of six (6) feet in height. Because the applicant is triggering Midtown requirements because of the building addition and because they will be generating larger amounts of waste and to resolve the previous mentioned concerns, *staff recommends*, that the applicant, in conjunction with the property owner, construct new enclosures that would adequately serve all tenants of the shopping center and that the enclosures match the architecture and colors of the building.

In addition, in the past, there have been concerns brought up by the residential neighbors in regards to odors from the shopping center. In the past, the City has imposed a special condition to install an “Odorestor” on garbage bins, which helps to minimize any odors from the bin. In keeping with past practices and because it does work to minimize odors, *staff recommends* that the applicant install an “Odorestor” on all of his garbage bins.

Parking

Pursuant to Section 53.23-2 part (6) of the Milpitas Zoning Ordinance, the required parking for the additional seating would be 31 spaces based on 84 additional seats (at a ratio of one space per three (3) seats plus an additional 10% for employee parking).

When the shopping center was developed, parking was provided at a ratio of one stall per 200 square feet of retail space. Since the shopping center was developed, there was an approval to add 52 stalls, which in part was used to accommodate other uses. This brought the total parking supply and demand to 431 parking stalls. Because the restaurant is expanding into a vacant 1,300 square foot tenant space, this would offset the new parking generated by six (6) spaces (based on retail use, 1 space per 200 square feet). Thus, the applicant is requesting a 25 space parking reduction as shown in the table below.

	Parking Generator	Parking Requirement
Proposed additional seats	84 (1 space per 3 seats and 10% for employees)	31 spaces
Credit for previous tenant space	1,300 square feet (1 space per 200 square feet)	6 spaces
	Parking Reduction	25 spaces

Currently, based on existing uses, there is no excess parking supply at the shopping center. In addition, there was an approved nine (9) space parking reduction for a neighboring restaurant in July 2002.

Because there is no excess parking for the proposed expansion of the restaurant, per Zoning Ordinance parking standards, staff required that a parking study be done to identify whether there is excess parking capacity at the shopping center. The survey was done during four days of the week (Wednesday through Saturday in February 2003). The results of the survey help staff determine whether a parking reduction could be recommended for Calaveras Plaza.

The study was performed during peak usage of the shopping center (from the lunch and through the dinner rush [10AM to 6PM]). The peak usage of the parking lot occurred during the 12:00PM to 1:00PM hour on a Wednesday afternoon. At this time there were 271 cars using the parking lot. Based on the shopping center supply of 418 spaces, there were 147 vacant spaces within the parking lot. To ensure that patrons are aware of parking at the rear of the site, **staff recommends** the applicant post, at a minimum, two signs (one at each driveway into the rear area) that inform patrons of available parking at the rear of the building.

Based on this excess supply, staff concludes that there is sufficient capacity to accommodate the 25 additional spaces that the restaurant would require. Staff believes that even with a 10% vacant factor (for circulation purposes) built into the parking supply, the addition of seats will not impact parking supply.

Site Access and Circulation

As part of the project, the applicant is proposing to modify one of the driveways that connects the rear parking lot and loading/unloading area to the front parking field. The width of the drive aisle will be reduced from 26 feet with parallel parking and landscape strip to 20 feet, with no parking and no landscaping strip. While this modification will not impact on-site circulation, **staff recommends** that this driveway remains two-way to facilitate circulation and prevent confusion and that "no parking" signs be posted in this area. In addition, with the loss of the landscape strip, **staff recommends** the applicant install new landscaping elsewhere on the site, which will equal the loss of landscaping (400 square feet).

Landscaping

As mentioned previously, the proposed project will incorporate a new landscaping plan that will be in conformance with the Midtown Design Guidelines and Standards. In addition, new landscaping will be required to make-up for the loss at the modified drive aisle.

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Neighborhood/Community Impact

The proposed building addition and restaurant expansion are expected to have a positive community impact by providing a complementary use to the existing retail uses currently located in the shopping center. In addition, the project will incorporate revisions to the site plan that will encourage pedestrian access and improve the landscaping. Therefore, staff concludes that the restaurant as conditioned, will not negatively impact the surrounding neighborhood.

RECOMMENDATION

Close the Public Hearing. Approve the Site and Architectural Amendment (P-SA2003-23) and the Use Permit Amendment No. P-UA2003-7, based on the Findings and Special Conditions of Approval listed below.

FINDINGS

1. The proposed project is categorically exempt from further environmental review pursuant to Class 3, Section 15303 (New Construction) of the state CEQA Guidelines.
2. The proposed building addition and restaurant expansion are consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use and development standards for General Commercial zoning because the addition complies with development standards for the C2 zoning district.
3. As conditioned, the layout of the site, design of the proposed addition, and revised landscaping are in conformance with various design guidelines and standards of the Midtown Plan.
4. As conditioned the proposed restaurant use will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community because the proposed restaurant will include new garbage enclosures and utilize an "Odorestor".
5. The proposed addition, as conditioned, will not impact parking at the Calaveras Plaza Shopping Center because the site has excess parking capacity to support the expanded use and the project will incorporate new signage that will help patrons locate parking.

SPECIAL CONDITIONS FROM PLANNING DIVISION

1. This "S" Zone Amendment (P-SA2003-23) and Use Permit Amendment No. P-UA2003-7 approval is for an approximate 1,700 square foot building addition, 84 seat increase, and 25 space parking reduction as shown on approved plans dated June 11, 2003, except as may be otherwise modified by these conditions of approval. Any major modifications to the building or site shall require review and approval by the Planning Commission of an amendment to this S-Zone Approval. Minor changes, as per Sec. 42-10 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff or Planning Commission Subcommittee. (P)
2. The maximum approved seating for this expanded restaurant is 204 indoor seats (including the waiting area). Prior to issuance of a certificate of occupancy for this use, a sign measuring at least 8½ inches by 11 inches, with a lettering height of at least 3 inches, shall be placed in a conspicuous location near the restaurant front entrance stating "Maximum dining room seating: 192, as per Use Permit Amendment No. P-UA2003-7 granted by the Planning Commission on June 11, 2003." (P)
3. The applicant shall comply with all conditions of Planning Commission Resolution No. 168 (attachment), a resolution of standard conditions for commercial development. (P, E – all items)

4. The applicant shall comply with City Council Resolution No. 6296, a resolution of “Guidelines for Recycling Enclosures” (attachment). (P – all items)
5. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
6. Building permit plans shall reflect that all new and existing rooftop equipment shall not be visible from any ground views. (P)
7. Prior to building permit issuance, the applicant shall submit tenant improvement plans that incorporate a scrubber or carbon filter, or similar equipment, on the roof or vent to control odors. The equipment shall be screened from view to the approval of the Planning Division and reflected on the tenant improvement plans. (P)
8. The applicant shall submit revised landscaping plans (landscape plans shall be completed and stamped by a licensed landscape architect) prior to building permit issuance that incorporate the following changes: (P)
 - a. The revised landscaping plan should incorporate special treatments at driveway entrances into the shopping center.
 - b. The revised landscaping plan shall incorporate 24-inch box trees that are of the broadleaf and deciduous type.
 - c. The revised landscaping plan shall use native and drought-tolerant plant materials.
 - d. The revised landscaping plan shall indicate new landscaping areas (minimum of 400 square feet).
 - e. Mulch planting beds as a replacement for turf areas where possible, including the use of bark chips, wood grinding or leaves.
 - f. The revised landscaping plan shall have plantings grouped according to water needs.
 - g. An automatic water system utilizing low volume drip, spray or bubbler emitters shall be installed in landscape areas.
9. Prior to issuance of a certificate of occupancy, the applicant shall provide proof of five (5) new garbage enclosures (front load service) or two (2) new compactors (with enclosures) for the entire shopping center. The new enclosures shall match the architecture and colors of the existing building. (P, cross referenced with Engineering Special Condition No. 30)
10. Prior to issuance of a certificate of occupancy, an “Odorestor” unit shall be installed on the garbage bin and maintained in good working order. “Odorestor” units may be ordered through BFI. Please contact Cynthia Jackson, BFI Customer Service Supervisor, at (408) 432-1234 for more information. (P)
11. Prior to issuance of building permits, plans shall include, at a minimum, two signs (to the approval of the City, one at each driveway to the rear area) that inform patrons of available parking at the rear of the building. (P)
12. The driveway to the rear parking area at the west end of the site shall be maintained as a minimum 20-foot wide two-way drive aisle. (P)
13. Prior to issuance of building permits, plans shall include “no parking” signs along the western access way to the rear parking area to the approval of the City. (P)

14. During all construction activities, the developer shall adhere to the following Best Management Practices as suggested by the Bay Area Air Quality Management District (BAAQMD). These notes shall be placed on the Grading and Construction plans prior to permit issuance: (P)
 - a. Watering all exposed or disturbed soil surfaces, at least twice daily, as necessary to eliminate visible dust plumes;
 - b. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a two feet freeboard level within their truck beds;
 - c. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles of debris, soil, sand or other materials;
 - d. Suspension of all earthmoving or other dust-producing activities or equipment during periods of high winds when watering cannot eliminate dust plumes;
 - e. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - f. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - g. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
 - h. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
 - i. Limit traffic speeds on unpaved roads or areas to 15 mph.
15. During construction, the developer/applicant shall adhere to the following Best Management Practices (BMPs) as suggested in the Santa Clara Valley Non-point Source Pollution Control Program's "Best Management Practices for Industrial Storm Water Pollution Control": (P)
 - a. Store building materials under cover or in enclosed areas.
 - b. Before painting, spread a ground cloth to collect paint.
 - c. Mix paint indoors before starting work.
 - d. Keep paint buckets away from contact with storm water.
 - e. Capture any paint spills before they flow into a storm drain.
 - f. During painting cleanup use proper procedures and prevent paint from flowing into storm drains.
16. All new utilities shall be placed underground or in subsurface conduits. (P,E)
17. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all state and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). (P)
18. The business owner shall post signs (in English, Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage prior to the issuance of a certificate of occupancy. (P)

19. The preparation and storage of food shall not be permitted outside of the establishment in perpetuity. (P)
20. Washing of containers, equipment, and floor mats shall be conducted in the kitchen area so that wash water may drain into the sanitary sewer in perpetuity. (P)
21. Prior to issuance of a certificate of occupancy, the business owner shall submit a report detailing a program assigning restaurant staff perpetual responsibility for complying with the following guidelines (P)
 - a. Keep garbage dumpsters clean inside and out; replace dirty or leaking dumpsters with new, clean ones.
 - b. Double or triple bag waste to prevent leaking.
 - c. Place, do not drop or throw, waste-filled bags, to prevent leaking.
 - d. Keep the ground under and around the garbage dumpsters swept.
 - e. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
 - f. It is expected that Best Management Practices for solid waste handling will advance over time, thus it is the expectation that the applicant will modify their practices in accordance with future standards.
22. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
23. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)

SPECIAL CONDITIONS FROM ENGINEERING DIVISION

24. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a building permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
25. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any permit issuance. (E)
26. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary on-site public improvements, including but not limited to, relocation of existing water main, fire hydrant and water services. Plans for all public improvements shall be prepared on Mylar (24"x 36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. (E)
27. Prior to any permit issuance the developer shall dedicate a new 15-foot wide water line easement and easement for relocated water meter, and successfully process the vacation of the existing water line easement. (E)

28. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
29. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structures are permitted within City easements. (E)
30. Prior to occupancy permit issuance, applicant or the shopping center owner shall construct a total of five trash enclosures or two compactor enclosures for the entire shopping center. The proposed enclosures shall be designed per the Development Guidelines for Solid Waste Services. City review/approval is required prior to construction of the enclosures. (E, Cross referenced with Planning Division Special Condition No. 9)
31. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial use: (E)
 - a. Maintain an adequate level of service for trash collection. Increase service subscription to: garbage, 1 – 4cyd, 5x/wk; recycling, 1 – 4cyd 3x/wk.
 - b. Maintain recycling services including separate services for beverage containers.
 - c. Maintain a tallow account and keep the tallow bins clean.
32. After the applicant has started its business, the solid waste service shall be evaluated by a BFI commercial representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)
33. Prior to any work within public right-of-way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

(P) = Planning Division

(E) = Engineering

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the zoning ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

PLANNING DIVISION [For further information regarding the following notes please contact Troy Fujimoto at (408) 586-3287].

1. Section 42.10 (b) of the zoning ordinance requires a noticed public hearing before the Planning Commission to amend or modify any condition of approval for this Use Permit.

BUILDING DIVISION [For further information regarding the following notes please contact Veronica Valenti at (408) 586-3241].

1. Because of a lack of information on Planning submittal, it is not possible to determine if this addition is feasible. At the time of building permit approval, the architect shall demonstrate that the total building area is under or equal to allowable area per 2001 CBC Table 5B.
2. Applicable codes shall be 2001 CBC, CPC, CMC, CEC, California Energy Code, CFC and 2002 Milpitas Municipal Code.

3. Plans shall be prepared and designed by an engineer or architect licensed in the State of California.
4. It is mandated to obtain a business license and certificate of occupancy prior to operating a business.
5. Obtain permits from the Health Department and Water Pollution Control prior to applying for a building permit.
6. Exterior walls shall be fire-rated and openings protected based on the location on the property per 2001 CBC, Table 5A.
7. Roofing material shall be per 2001 CBC, Table 15-A.
8. The dining room shall be classified as a Group A, Division 3 occupancy group as per 2001 CBC, Sec 303.1.1.
9. In the assembly occupancy area doors shall swing in the direction of exit as per 2001 CBC, Sec. 1003.3.1.5. Exit doors from the assembly occupancy area shall be provided with panic hardware as per Sec. 1007.2.5 and exit signs as per Sec. 1003.2.8.2.
10. Any new paving shall comply with the 2002 Milpitas Municipal Code Section II-13-18. All non-structural concrete flat work shall be per 2002 Milpitas Municipal Code Section II-13-17.05.
11. Accessible routes of travel shall be provided from parking and public street/bus stop to all entrances and ground floor exits per 2001 CBC, Section 1127B.1.
12. Accessible (people with disabilities) parking shall be provided as per 2001 CBC, Section 1129.B.1 and Table 11B-6. Accessible parking spaces shall be dispersed and located closest to accessible entrances. One in every eight accessible parking spaces, but not less than one parking space, shall be van accessible per Sec. 1129 B.4.2.
13. Accessibility signs shall be provided at every primary public entrance, at every major junction along or leading to an accessible route of travel and at building entrances that are accessible per 2001 CBC Section 1127 B.3.
14. All primary entrances and required exit doors shall be accessible to people with disabilities per 2001 CBC Section 1114B.1.3.
15. Bathrooms shall be accessible as per 2001 CBC, Section 1115.B.2. The number of plumbing fixtures shall be per 2001 CBC Table A-29-A.
16. Food preparation areas shall be accessible to people with physical disabilities as per 2001 CBC Sec. 1104B.5.8 and food services aisles and tableware areas as per Sec. 1104B.5.5 and Sec. 1104B.5.6 accordingly.
17. Provide maneuvering clearances at doors as per 2001 CBC, Sec. 1133B.2.4.2.
18. Provide seats spaces for persons using wheelchairs when fixed seats are provided as per 2001 CBC, Sec. 1115B.
19. Counters provided for the public and in the general employee area must be accessible by at least 5%, but not less than one as per 2001 CBC, Sec. 1122B.

ENGINEERING DIVISION [For further information regarding the following notes please contact Robert Wang at (408) 586-3325]

*2

1. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, SBC Telephone, AT&T Broadband, Union Pacific Railroad, Southern Pacific Railroad, Santa Clara Valley Water District, Santa Clara Transportation Agency, San Francisco Water Dept., Caltrans and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division.
2. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance by the Building Division. Contact the Land Development Section at (408) 586-3329 to obtain the form(s).
3. If necessary, the developer shall obtain required industrial wastewater discharge approvals from San Jose/Santa Clara Water Pollution Control Plant (WPCP) by calling WPCP at (408) 942-3233.
4. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development, plans showing new services must be submitted and approved prior to building permit issuance.
5. At the time of building plan check submittal, the developer shall make changes as noted on Engineering Services Exhibit "S" (dated 5/26/2003) and submit a revised set of Exhibit "S" and three sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check.
6. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. These fees are collected as part of the secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor and materials.
7. In accordance with Chapter 5, Title VIII (Ord. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2,500 square feet or larger the developer shall:
 - a. Provide separate water meters for domestic water service and irrigation service. The developer is also encouraged to provide separate domestic meters for each tenant.
 - b. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord. No. 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection.
8. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process.
9. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms.
10. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities.

*2

11. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329.
12. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA), under the National Flood Insurance Program shows this site to be located in the Special Flood Hazard Area, Zone AE. Flood proofing of the entire structure is required, **if the proposed improvements are determined to be substantial improvements** to the existing structure. New improvements are deemed to be substantial improvements if the valuation of the new improvements alone exceeds 49% of the existing structures fair market value before any new improvements are made. This is further defined by the City's Floodplain Management Regulations, (Ordinance No. 209.4).
13. Per Chapter 200, Title V of Milpitas Municipal Code (Ord. No. 48.7) solid waste enclosures shall be designed to limit the accidental discharge of any material to the storm drain system. The storm drain inlets shall be located away from the trash enclosures (a minimum of 25 feet). This is intended to prevent the discharge of pollutants from entering the storm drain system, and help with compliance with the City's existing National Pollution Discharge Elimination System (NPDES) Municipal permit.
14. Construction plan submittals for permit shall include the following items:

GENERAL

1. Include any necessary details and specifications with the plans if they are not city standards or approved equals.
2. Show the locations of all existing, and proposed public facilities (streets-include street name, also state private street if privately maintained road, street light, storm drain, sewer, water etc.), and any proposed connections to public facilities
3. Show all existing and any proposed easements or right-of-way dedications on the plans.
4. Add note: Prior to the start of any work within the City right-of-way (public street or easement), the developers contractor shall obtain an Encroachment Permit. Also include other public work general construction notes-see Engineering Plans and Map Procedures and Guidelines.

WATER

1. Show the size(s) and location(s) of all existing and proposed water mains, service(s), meter(s) and backflow device(s) on the plans. Also, show depth and material of existing main for wet/hot taps or isolation valves for cutting in tee's.
2. Domestic water meters- add note: Install reduced pressure principle backflow prevention device as per City Standard Drawing #734.
3. Irrigation meters- add note: Install reduced pressure principle backflow prevention device per City Standard Drawing #734.
4. Fire services- add note: Install detector check valve per City Standard Drawing #730 for commercial/industrial use. Looped fire services require double check detector check valve.

5. Indicate any existing well(s) to be maintained or abandoned in accordance with Santa Clara Valley Water District. Air gap or reduced backflow protection is also required for all active (non-sealed) wells.

SEWER

1. Show size(s) and location(s) of existing and proposed mains, lateral(s), clean out(s) and any necessary sewer backflow device(s) on the plans.
2. Industrial and commercial developments require a 6" sewer lateral and cleanout as per City Standard Drawing #620, sheet 2.
3. Residential developments require a 4' sewer lateral and cleanout as per City Standard Drawing #620, sheet 1.
4. Show the lowest finish floor elevation of the structure and the rim elevation of nearest upstream sanitary manhole on the plans. If the lowest floor elevation is less than one foot above the rim elevation of the nearest upstream manhole, then a backflow preventer per City Standard Drawing # 624 is required.
5. Applicant shall contact the San Jose/Santa Clara Water Pollution Control Plant (SJ/SC WPCP 408- 945-5300) for their requirements on plan approval and Industrial Wastewater Discharge Permit.

STORM

1. Show size(s) and location(s) of all existing and proposed storm water facilities on the plans.
2. Show how all on-site drainage is conveyed off-site (street, green belt, etc.) including connections to the City storm drain system including creeks and channels. Also show the locations and sizes of all inlets, dissipaters, pipes, through curb drains, etc.

FIRE DEPARTMENT [For further information regarding the following notes please contact Jaime Garcia at (408) 586-3369].

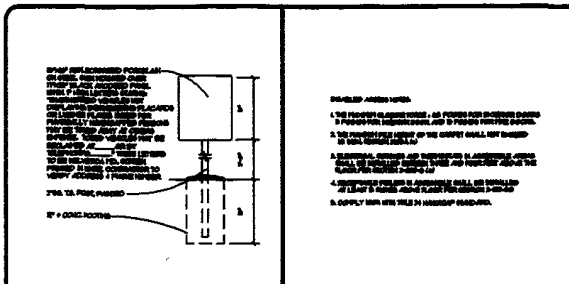
1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.
2. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.
3. Fire safety during construction, alteration or demolition of the building shall meet the requirements of Article 87, CFC (California Fire Code).
4. Fire protection, including fire apparatus access roads and water supplies for fire protection, shall be installed and made serviceable prior to and during the time of construction. Section 901.3, CFC.
5. The fire apparatus access road at the west side of the proposed building addition shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. The required fire apparatus access shall extend from the point of entry (at the south end) to a point not less than 20 feet beyond the proposed building addition (at the north end of the addition). Section 902.2.2, CFC.

6. Fire apparatus access road(s) shall not be obstructed in any manner and shall be maintained at all times. Approved signage (NO PARKING, FIRE ACCESS) shall be installed and/or the curbs shall be painted red in color. Section 902.2.4, CFC.
7. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. Appendix III-A may be used by the Fire Chief as the basis for determining fire flow. Section 903.2, 903.3, CFC.
8. A new onsite hydrant(s) may be required. The location, number and type of hydrants connected to a water supply capable of delivering the required fire flow shall be on the public street or on the site or both as required and approved by the Fire Department. The existing building(s) as well as the proposed building addition will be taken into consideration to set requirements. Sections 903.4.2, 1001.9, 1001.10 CFC.
9. Where hydrants are located along private access ways, where curbs exist, the curbs shall be painted red to prohibit parking for a distance of 15 feet in either direction from any such hydrant. In such case where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs created, or both, giving notice that parking is prohibited for a distance of 15 feet from any such hydrant. Milpitas Fire Department Guidelines and Section 901.4.3 CFC.
10. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Appendix III-B, Section 4, CFC.
11. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1 CFC.
12. Alterations to the automatic fire sprinkler system and/or the fire detection system requires drawings to be submitted to the Fire Department for review and approval prior to alteration.
13. New trash enclosure: combustible rubbish kept or accumulated within or adjacent to a building shall be stored in approved containers or in rooms or vaults constructed of noncombustible materials. Section 1103.2.1.2, CFC.
14. New trash enclosure: dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or places within 5 feet of combustible walls, openings or combustible roof eave lines unless the area is protected by an approved automatic sprinkler system. Section 1103.2.2, CFC.
15. The use of candles and other open-flame decorative devices in places of assembly and drinking or dining establishments shall be in accordance with Section 1109.8, CFC.
16. Drapes, hangings, curtains, drops, and other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard, shall be made from material which is not flammable material or shall be treated and maintained in a flame-retardant condition by means of flame-retardant solution or a process approved by the Chief. Section 2501.5, CFC.
17. When required by the Chief, a plan indicating the seating arrangement, location and width of exit ways and aisles shall be submitted for approval, and an approved copy of the plan shall be kept on display on the premises. Section 2501.14, CFC.
18. A building housing Group A Occupancies shall front directly on a public street or an exit discharge not less than 20 feet in width. The exit discharge to the public street shall be a minimum 20-foot-

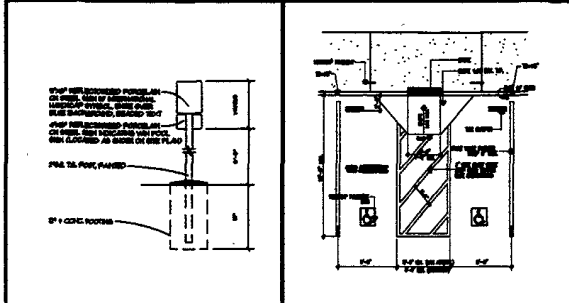


wide right-of-way, unobstructed and maintained only as access to the public street. Provide a clear and unobstructed 20 feet wide exit discharge from the main entrance to the public street. No parking is permitted in the area designated as exit discharge. Section 303.3, California Building Code.

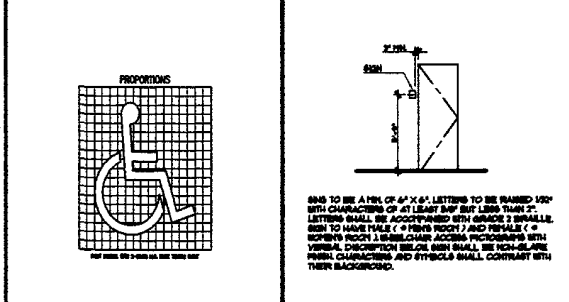
19. Buildings or portions of buildings classed in Group A Occupancy, shall be limited to the types of construction set forth in Table 5-B, and shall not exceed in area or height the limits specified in Sections 504, 505 and 506. Section 303.2.1, California Building Code.
20. Required means of egress shall be provided with a continuous, unobstructed, and undiminished path of exit travel from any occupied point in a building to a public way. Section 1001.1, CFC.
21. Aisles in assembly occupancies without fixed seats: the minimum clear aisle width shall be 36 inches where seats, tables, counters, furnishings, displays and similar fixtures or equipment are placed on one side of the aisle only and 44 inches when such fixtures or equipment are placed on both sides of the aisle. Section 2501.9.2, CFC.
22. Exit doors from Group A occupancies shall not be provided with a latch or lock unless it is panic hardware. Section 2501.8.2, CFC.
23. Any room (or area) having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Posting shall be by means of a durable sign having contrasting color from the background to which it is attached. Section 2501.16, CFC.
24. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of 50 or more. Section 1207.2, CFC.
25. Provide exit signs. Exit signs conforming to the requirements of Section 1003.2.8 CBC (California Building Code) shall identify the path of exit travel to and within exits in a building.
26. Graphics, illuminations, and power supply of exit signs shall be in accordance with Sections 1003.2.8.3, 1003.2.8.4, 1003.2.8.5, CBC.
27. The means of egress shall be illuminated at any time the building is occupied with light intensity of not less than 1-foot candle at the floor level. In the event of a failure, illumination shall be automatically provided from an emergency system such as storage batteries or on-site generator set and should be installed in accordance with the National Electrical Code. Sections 1003.2.9.1 and 1003.2.9.2, CBC.
28. The maximum flame-spread class of finish materials used on interior walls and ceilings shall be per Section 804.1, CBC.
29. No approval for any hazardous materials under this review.
30. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 901.2.2 and 1001.3, CFC.



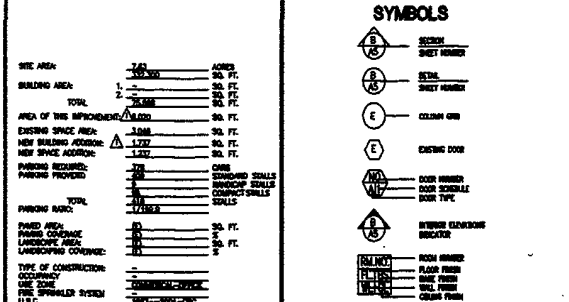
(E) TOW AWAY SIGN NTS 3



HC PARKING SIGN NTS 6



PAINTED HC SIGN NTS 7



HC SIGNAGE NTS 8

SYMBOLS	HC SIGNAGE
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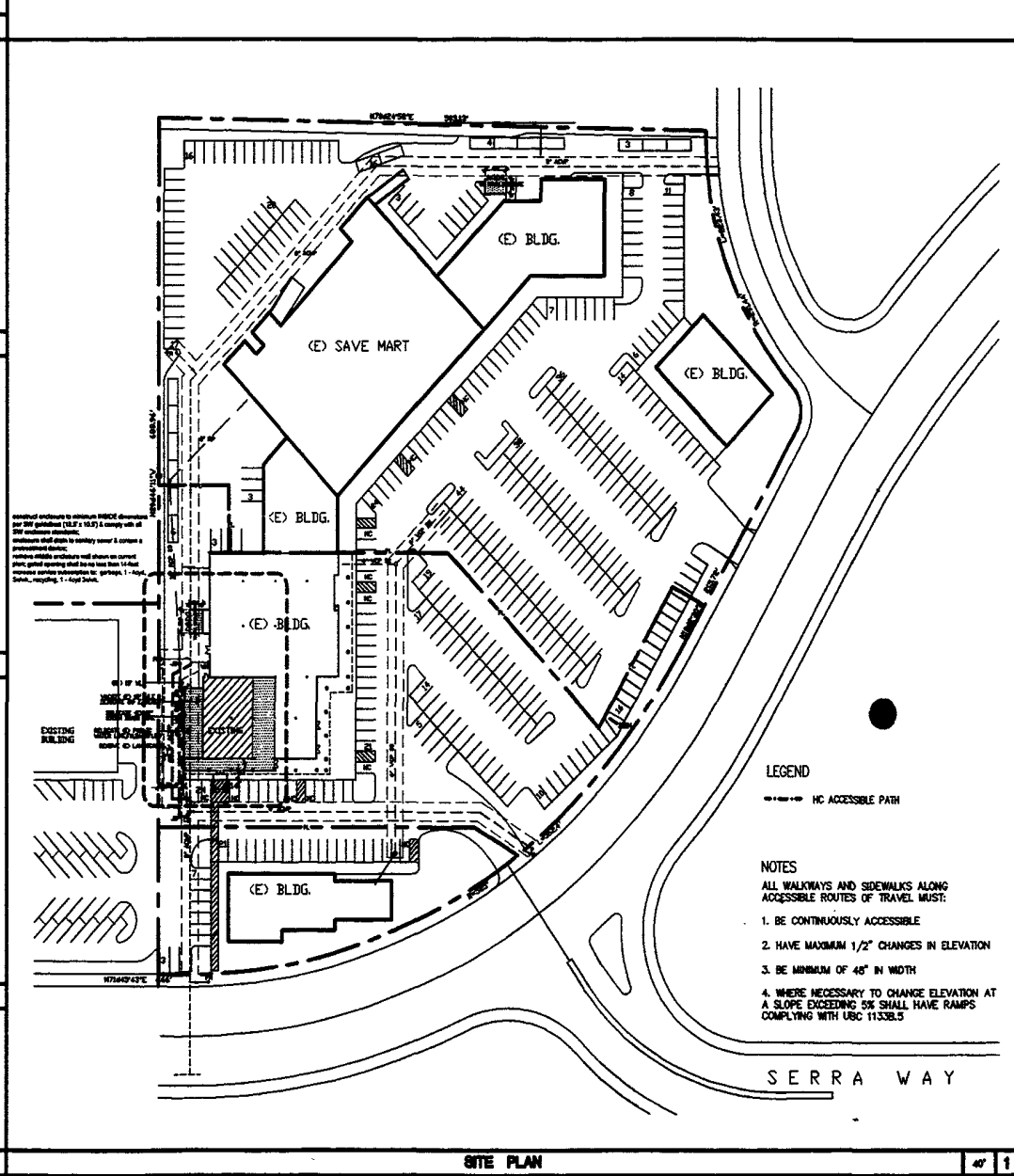
TABULATION NTS 10

GENERAL

1. Include any necessary details and specifications with the plans if they are not City Standards or approved.
2. Show the location of all existing and proposed public facilities (streets, sidewalks, etc.) and any proposed easements.
3. Show all existing and proposed easements on site of any building on the plan.
4. Add any notes to the plans to indicate any special conditions or requirements.
5. Add any notes to the plans to indicate any special conditions or requirements.

NOTES

1. Show the location of all existing and proposed public facilities (streets, sidewalks, etc.) and any proposed easements.
2. Show all existing and proposed easements on site of any building on the plan.
3. Add any notes to the plans to indicate any special conditions or requirements.
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5. Add any notes to the plans to indicate any special conditions or requirements.



SITE PLAN 40' 1

ARCHITECT

DATE: 12-06-02 PROJECT NO: 29-2299

SCALE: AS SHOWN DRAWN BY: NTC

SHEET: A-1

OF SHEETS

KING CRAB SEAFOOD RESTAURANT

CALAVERAS PLAZA SHOPPING CENTER

269 CALAVERAS BLVD.

MILPITAS, CA

LRS ASSOCIATES

ARCHITECTURE AND PLANNING

182 PERSIMMON DRIVE SUITE 201 SAN JOSE, CALIFORNIA 95135

(408) 746-0821 FAX (408) 746-0828



ARCHITECT

DATE
12-06-02

PROJECT NO.
28-2236

SCALE
AS SHOWN

DRAWN
RKY

SHEET

A-2

OF SHEETS



1/8"	1
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**KING CRAB SEAFOOD RESTAURANT
CALAVERAS PLAZA SHOPPING CENTER**

**280 CALAVERAS BLVD.
MILPITAS, CA**



LFB ASSOCIATES
ARCHITECTURE AND PLANNING

102 PERMAN DRIVE SUITE 201 SUNNYVALE,
CALIFORNIA 94089 (408) 745-8331
FAX (408) 745-0338

ARCHITECT

DATE
12-04-02

PROJECT NO.

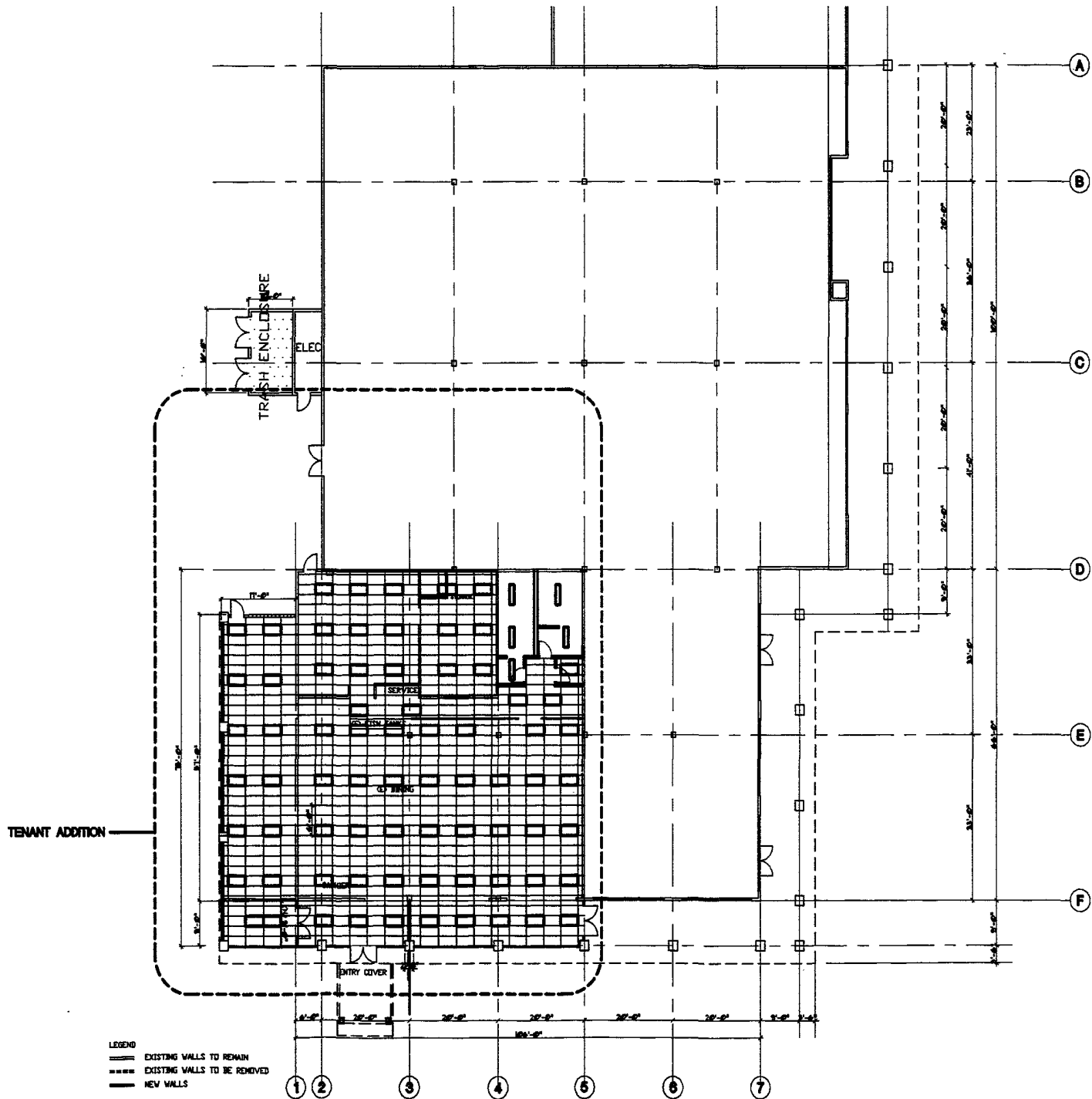
SCALE
AS SHOWN

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RICK**

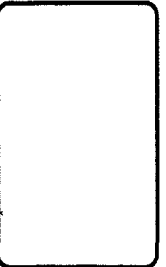
1 SHEET

A-3

OF SHEETS



REVISION	DATE
1. PLANNING	4-20-2005



KING CRAB SEAFOOD RESTAURANT
CALAVERAS PLAZA SHOPPING CENTER
 2889 CALAVERAS BLVD.
 CALAVERAS, CA



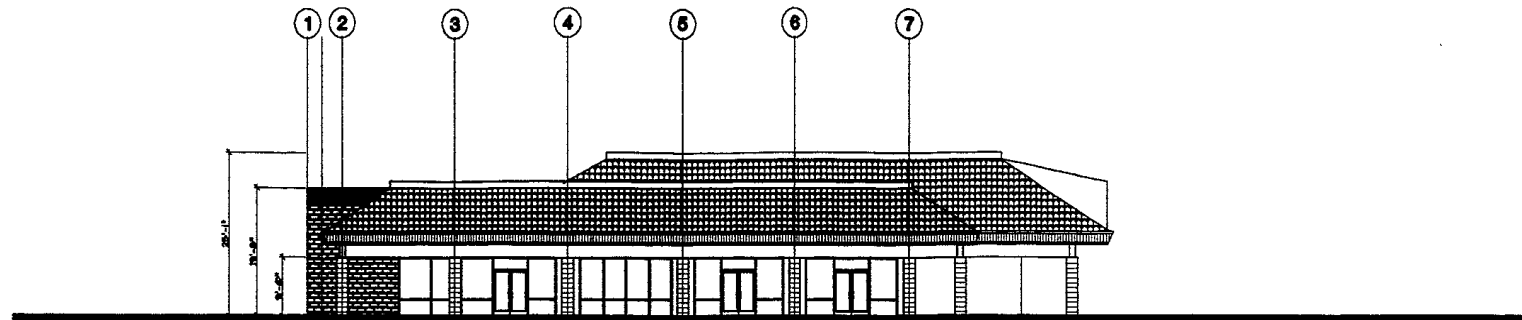
LRS ASSOCIATES
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 102 PERSIMMON DRIVE SUITE 201 SUNNYVALE,
 CALIFORNIA 94089
 (408) 745-0331
 FAX (408) 745-0335

ARCHITECT	PROJECT NO.
DATE	28-2236
SCALE	DRAWN
AS SHOWN	BY
SHEET	

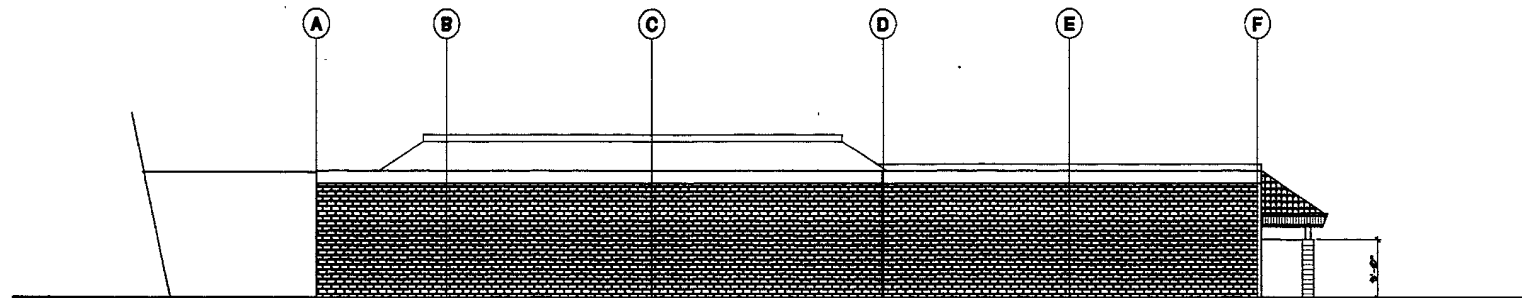
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OF SHEETS

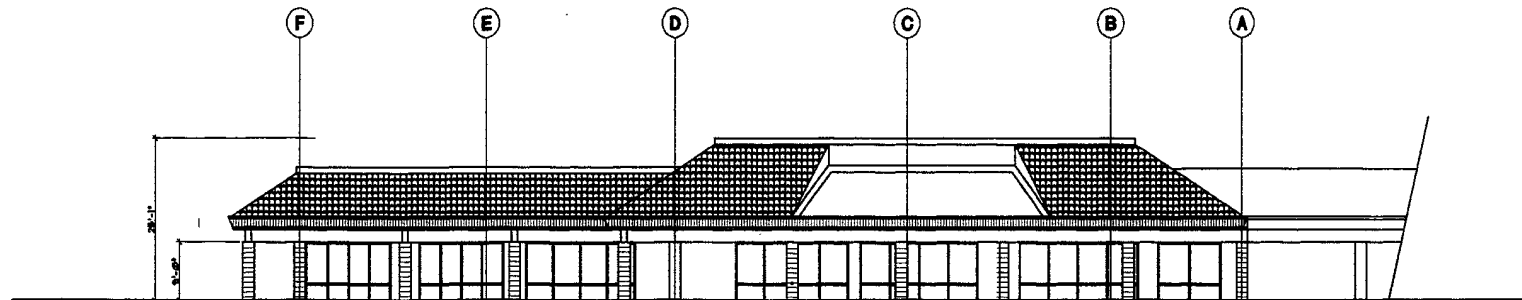
1/8" 1



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

EXISTING BUILDING ELEVATIONS

1/8" 1

KING CRAB SEAFOOD RESTAURANT
CALAVERAS PLAZA SHOPPING CENTER

269 CALAVERAS BLVD.
MILITAS, CA



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102 PERSIMMON DRIVE SUITE 201 BLANCKVILLE,
CALIFORNIA 94309
PHONE (408) 745-0371 FAX (408) 745-0359

ARCHITECT

DATE 02-06-02

PROJECT NO. 28-2236

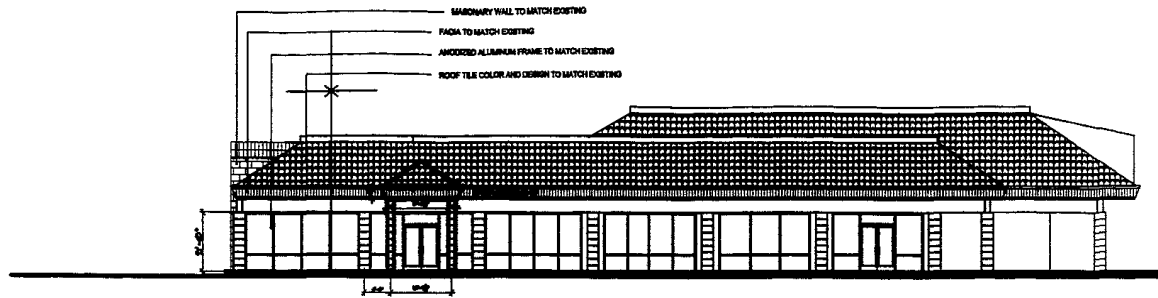
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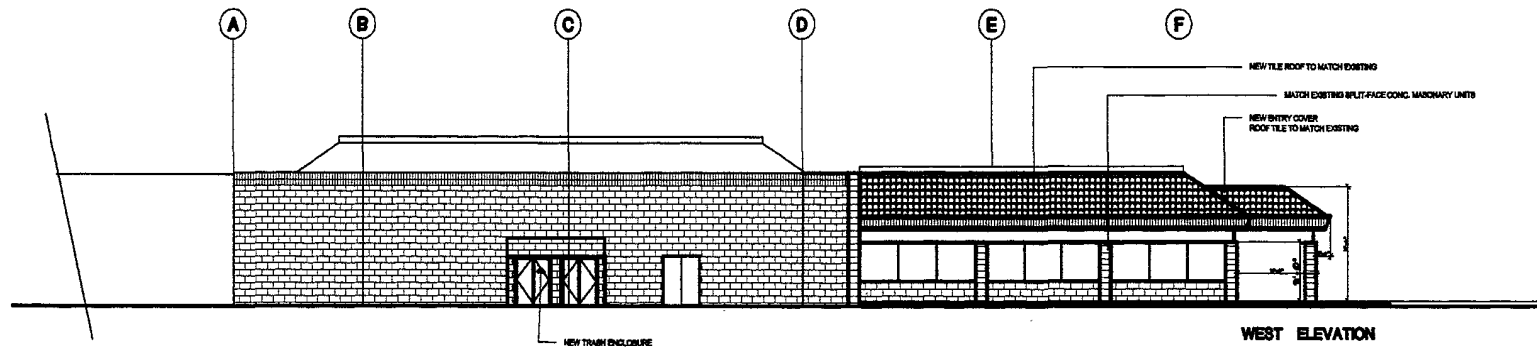
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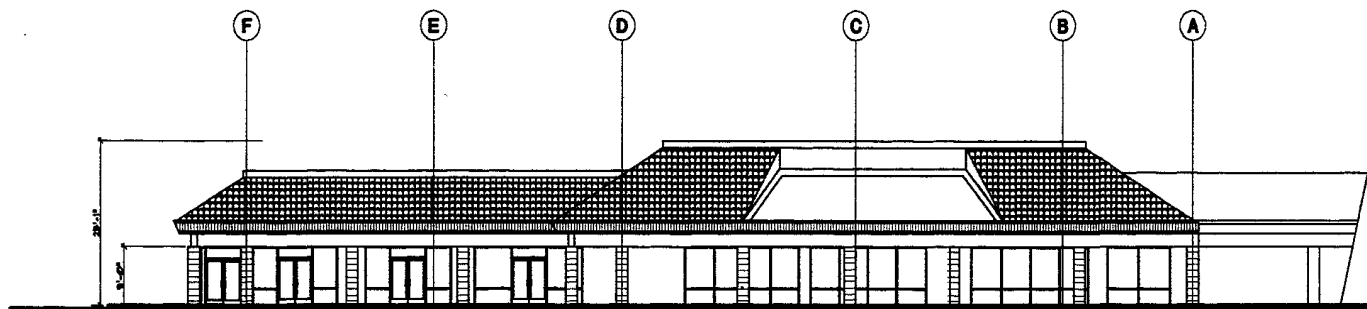
OF SHEETS



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

KING CRAB SEAFOOD RESTAURANT
CALAVERAS PLAZA SHOPPING CENTER

289 CALAVERAS BLVD.
MILPITAS, CA



LRS ASSOCIATES
ARCHITECTURE AND PLANNING

102 PERSIMMON DRIVE SUITE 201 BURNING WOOD, CALIFORNIA 94009 (408) 745-8901 FAX (408) 745-0888

ARCHITECT

DATE 12-06-02

PROJECT NO. 25-2236

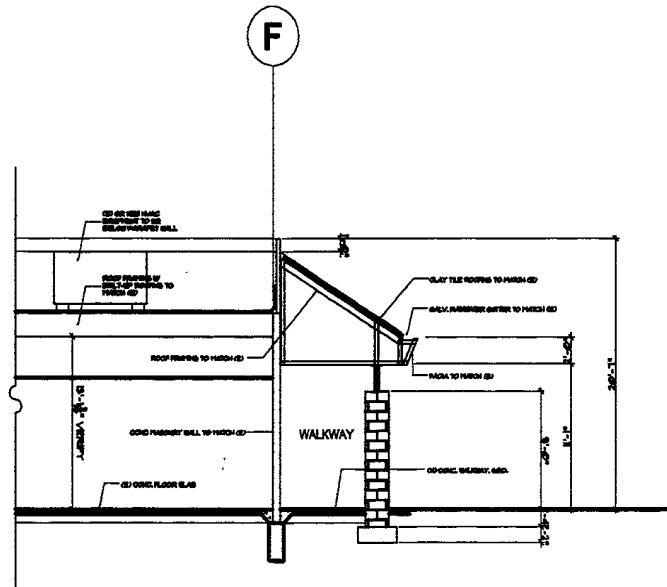
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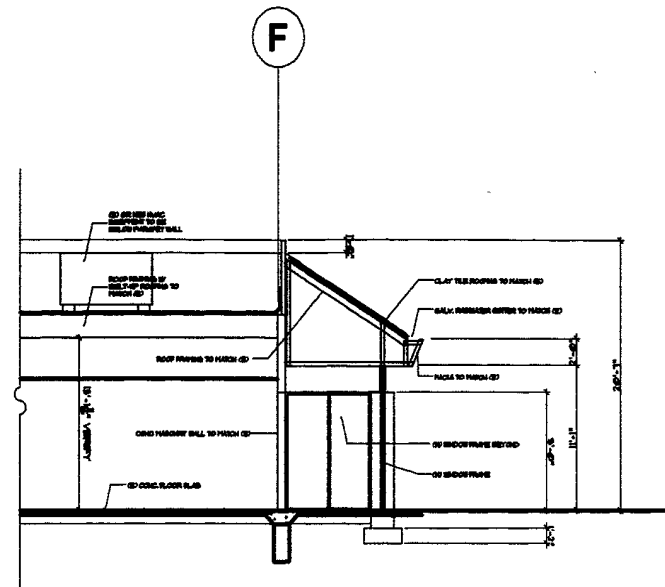
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A-7

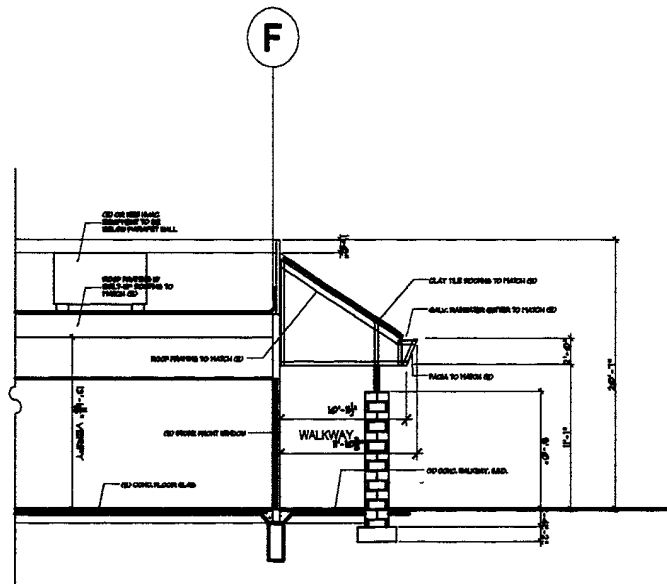
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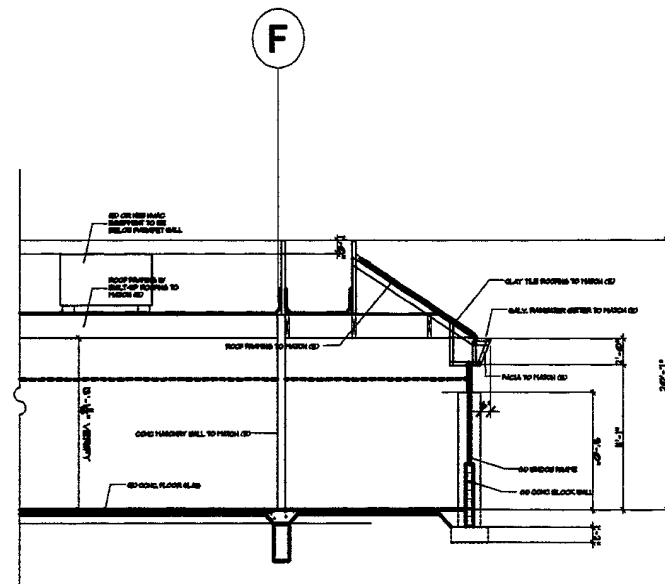
(E) SECTION THRU ARCADE



(N) SECTION THRU ARCADE



(E) SECTION THRU ARCADE



(N) SECTION THRU NEW ADDITION

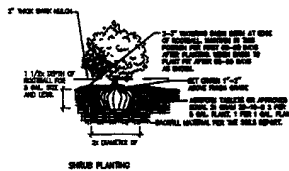
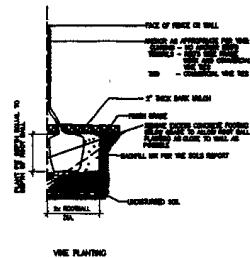
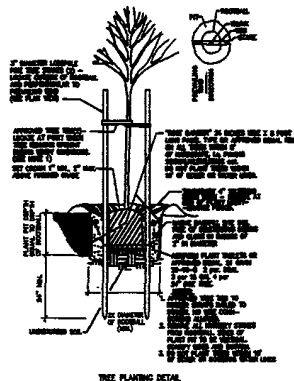
KING CRAB SEAFOOD RESTAURANT
CALAVERAS PLAZA SHOPPING CENTER
289 CALAVERAS BLVD.
MILPITAS, CA



LRS ASSOCIATES
ARCHITECTURE AND PLANNING
102 PERMAN DRIVE SUITE 301 RIVERSIDE,
CALIFORNIA 92503
FAX (951) 745-0888

ARCHITECT
DATE 12-06-02 PROJECT NO. 28-2236
SCALE AS SHOWN DRAWN BY CT
SHEET

A-8



PLANT MATERIALS LIST

TREES (TO BE 15 GALLON SIZE, EXCEPT AS NOTED ON PLAN) NUMBER

FRAXINUS B. 'RAYWOOD' RAYWOOD ASH
LIRIODENDRON S. 'PAUL ALTO' AMERICAN SWEET GUM
NISTRODIA CHINENSIS CHINESE PISTACHE
PALM PALM TREE

NOTE: ALL TREES SHALL BE PLANTED AT LEAST 5 FEET FROM DOMESTIC WATER LINES AND TEN FEET FROM SANITARY SEWER LINES

SHRUBS (TO BE 5 GALLON SIZE, EXCEPT WHERE NOTED ON PLAN)

PHANTOM FRASER SCARLET TIDY
LIRIODENDRON S. 'PAUL ALTO' AMERICAN SWEET GUM
NISTRODIA CHINENSIS CHINESE PISTACHE
PALM PALM TREE
NISTRODIA CHINENSIS CHINESE PISTACHE
PALM PALM TREE

VINES (TO BE 5 GALLON SIZE)

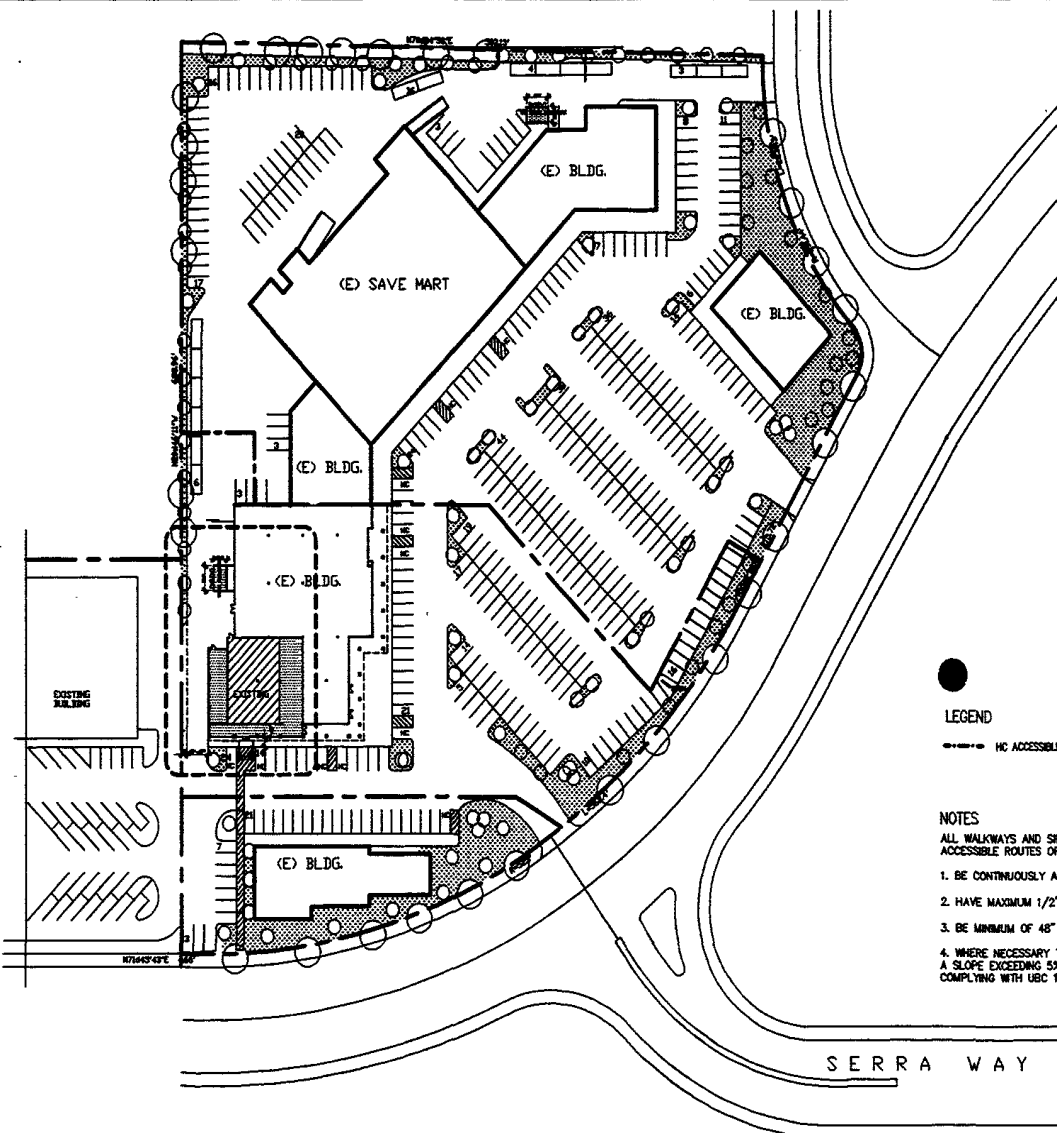
V-1 GELSONBURN SEMPERVIRENS CAROLINA JESSAMINE

GROUND COVERS

GAZANIA 'NITSUVA YELLOW' YELLOW GAZANIA @ 12" OC

EXISTING GROUND COVER TO REMAIN

EXISTING TREES TO REMAIN

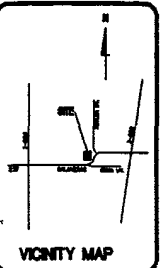


PLANTING NOTES

1. LANDSCAPE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SITE PRIOR TO SUBMITTING HIS BID. IF OBSTRUCTIONS, LANDSCAPE AREAS, OR GRADING DIFFERENCES EXIST, HE SHALL IMMEDIATELY INFORM THE LANDSCAPE ARCHITECT AND NOT PROCEED. CONTRACTOR SHALL BE FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES, OBSTRUCTIONS AND STRUCTURES AND SHALL TAKE RESPONSIBILITY IF THESE ARE DAMAGED BY HIM. PLANTING SHALL BE INSTALLED IN CONFORMANCE WITH ANY APPLICABLE CODES AND ORDINANCES.
2. SOIL PREPARATION SHALL CONSIST OF 6 CU YARDS OF NITROFIED FIBERBARK PER 1000 SQ. FT. OF PLANTED AREA. TILL IN 6" CURBED OR RAISED PLANTERS SHALL BE CLEARED OF ANY DEBRIS AND EXISTING SOILS SHALL BE TILLED BEFORE ADDITION OF TOP SOIL. TOP SOIL SHALL BE ADDED TO BRING GRADE TO 2" BELOW TOP OF CURB. NITROFIED FIBERBARK SHALL HAVE A RANGE OF 6.5-7.0 AND BE INCORPORATED WITH IT SHALL BE 15 LBS. OF GRANULAR FERTILIZER (16-16-16). ALL AREAS TO BE FINE GRADED AND CONTRACTOR IS RESPONSIBLE FOR FINISH GRADING FOR ALL PLANTED AREAS AND POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS. RAKE ALL AREAS SMOOTH REMOVING ANY DEBRIS OR ROCKS OVER 1" DIA.
3. TREE, SHRUB AND GROUND COVER PLANTING TO BE ACCORDING TO DETAILS. ALL PLANTINGS TO RECEIVE 'AGROFORM' FERTILIZER TABLETS AT THE FOLLOWING RATES:
24" BOX TREES - 6 TABLETS; 15 GALLON TREES - 4 TABLETS; 5 GALLON SHRUBS - 2 TABLETS; 1 GALLON SHRUBS - 1 TABLET.
BUSHES TO BE SHOWN ON THE DETAILS.
4. GROUND COVER TO BE SPACED TRIANGULARLY AT THE SPACING NOTED ON PLANS. HOLD PLANTING 12" BACK FROM WALK AND CURB EDGE.
5. TOPRESS ALL LEVEL AREAS WITH FIBERBARK 3/4" DIA. TO A DEPTH OF 2".
6. CONTRACTOR SHALL GUARANTEE TREES FOR A PERIOD OF 1 YEAR, SHRUBS FOR 6 MONTHS, AND GROUND COVER FOR 3 MONTHS, AND SHALL MAINTAIN INSTALLATION FOR A 90 DAY PERIOD AFTER FINAL APPROVAL. AT THE END OF THE MAINTENANCE PERIOD ALL MATERIAL SHALL BE IN A HEALTHY AND THRIVING CONDITION AND WEED FREE.
7. LANDSCAPE CONTRACTOR TO DESIGN BUILD COMPLETE IRRIGATION SYSTEMS, SUBMIT PLANS FOR REVIEW AND APPROVAL.

REVISIONS

NO.	DATE	DESCRIPTION
1	11-20-2001	



**KING CRAB SEAFOOD RESTAURANT
CALAVERAS PLAZA SHOPPING CENTER**

208 CALAVERAS BLVD.
MERTAS, CA



LRS ASSOCIATES
ARCHITECTURE AND PLANNING

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ARCHITECT

DATE 11-20-01 PROJECT NO. 20-2234

SCALE AS SHOWN DRAWN BY

SHEET

A-9

2711 Stuart Street Berkeley, CA 94705
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PH ASSOCIATES

February 10, 2003

Eddy Shen
LRS Associates
102 Persian Drive, Suite 201
Sunnyvale, CA 94089

Re: Calavera Plaza – 233 Calaveras Boulevard, Milpitas

Dear Mr. Shen:

In response to your request, we have conducted a parking and circulation study for the above shopping center parking lot. The purpose of the study is to determine if current parking supply at the shopping center could accommodate the proposed expansion of the King Crab Restaurant, and to evaluate whether if the proposed expansion would create circulation problems at the parking lot. The City of Milpitas parking code requires 34 additional spaces for the proposed expansion.

Results of our analyses indicated that the parking lot currently is about 65% occupied during the peak demand period, which is the lunch hour between 12 and 2 pm. During this period, our surveys indicated that there were more than 140 stalls vacant at the parking lot and as such we believe the current parking supply should be able to accommodate the proposed expansion of the restaurant. On-site circulation analysis indicated that the expanded portion of the restaurant, while near the aisle, is not likely to change on-site circulation patterns because that aisle is not used for internal circulation. A more detailed analysis is as follows.

Current Conditions

The Calaveras Plaza is located at the northwest corner of Calaveras Boulevard/Butler Street intersection and has a total of 418 parking stalls. Access to and from the shopping center is via three driveways, one on Butler Street and two on Calaveras Boulevard. One of the driveways, across from Serra Way, is signalized. Immediate to the west of the Calaveras shopping center is the Milpitas Shopping Center, which has also about 400 or more parking spaces. The two shopping centers are joined together with a connecting driveway and vehicles from either shopping center could park and travel from one shopping center to another.

The King Crab Restaurant is located near the southwestern edge of the Calaveras Shopping Center with a space about 29,000 square feet. The restaurant currently has 120 seats and is proposing to add about 2,700 square feet of space to accommodate 100 additional seats. The City of Milpitas Parking Code requires 34 additional parking stalls for the proposed 100-seat expansion. Figure 1 shows the layout of the shopping center and the proposed expansion of the restaurant.

84

Parking Study Methodology

To evaluate if the current parking supply at the shopping center can adequately accommodate the proposed King Crab Restaurant expansion, parking accumulation surveys were conducted between 10:00 am and 6:00 pm for four days on Wednesday, Thursday, Friday and Saturday. Monday and Tuesday were generally slow days for shopping centers and therefore were not surveyed. During the survey, the number of parked cars at the parking lot was counted once every hour for four days. The purpose of the survey was to evaluate parking patterns and characteristics on a daily and hourly basis and to see if there were more than 34 vacant parking stalls available at all time on a daily basis.

Survey results indicated that parking at the shopping center peaks at lunch hours between 12:00 and 1:00 pm on weekdays and weekends. The highest recorded number of parked car during the lunch peak is 271 on Wednesday, representing an occupancy rate of 65%. During the peak period, a total of 147 parking stalls were vacant. The average number of parked cars at the parking lot for the four-day period during the lunch peak is 226, representing an occupancy rate of a little less than 45%. As such, it can be concluded that the parking lot can accommodate the proposed expansion of the King Crab Restaurant. Table 1 shows the result of the parking accumulation surveys. Field observation indicated that most shopping center patrons parked in the front area while the area behind the building is vacant most of the time.

On-site Circulation

As indicated earlier, King Crab Restaurant is located near the southwestern edge of the shopping center and is next to the common drive aisle shared with a paint store at the adjacent Milpitas Shopping Center. The drive aisle is about 26 feet wide and there is a fence along with a five-foot landscaped area about halfway in the middle separating the two shopping centers (see Figure 1).

The proposed expansion would leave a 15-foot wide aisle for circulation to the backside of the parking lot. Based on field observation, most shopping center patrons parked in the front area and there was little traffic using the connection next to the King Crab Restaurant. Field observation indicated that there were few parked cars at the back parking lot. Restaurant owner indicated that the back parking lot is mainly used by employees and delivery vehicles and they normally use other driveway at Butler Street and the drive aisle at the northeast corner of the site to travel to and from the front parking area. As such, we do not believe the proposed expansion would have a significant impact on on-site circulation.

Please feel free to call me if you have any question about the above analysis.

Sincerely,



Pang Ho, AICP
Principal

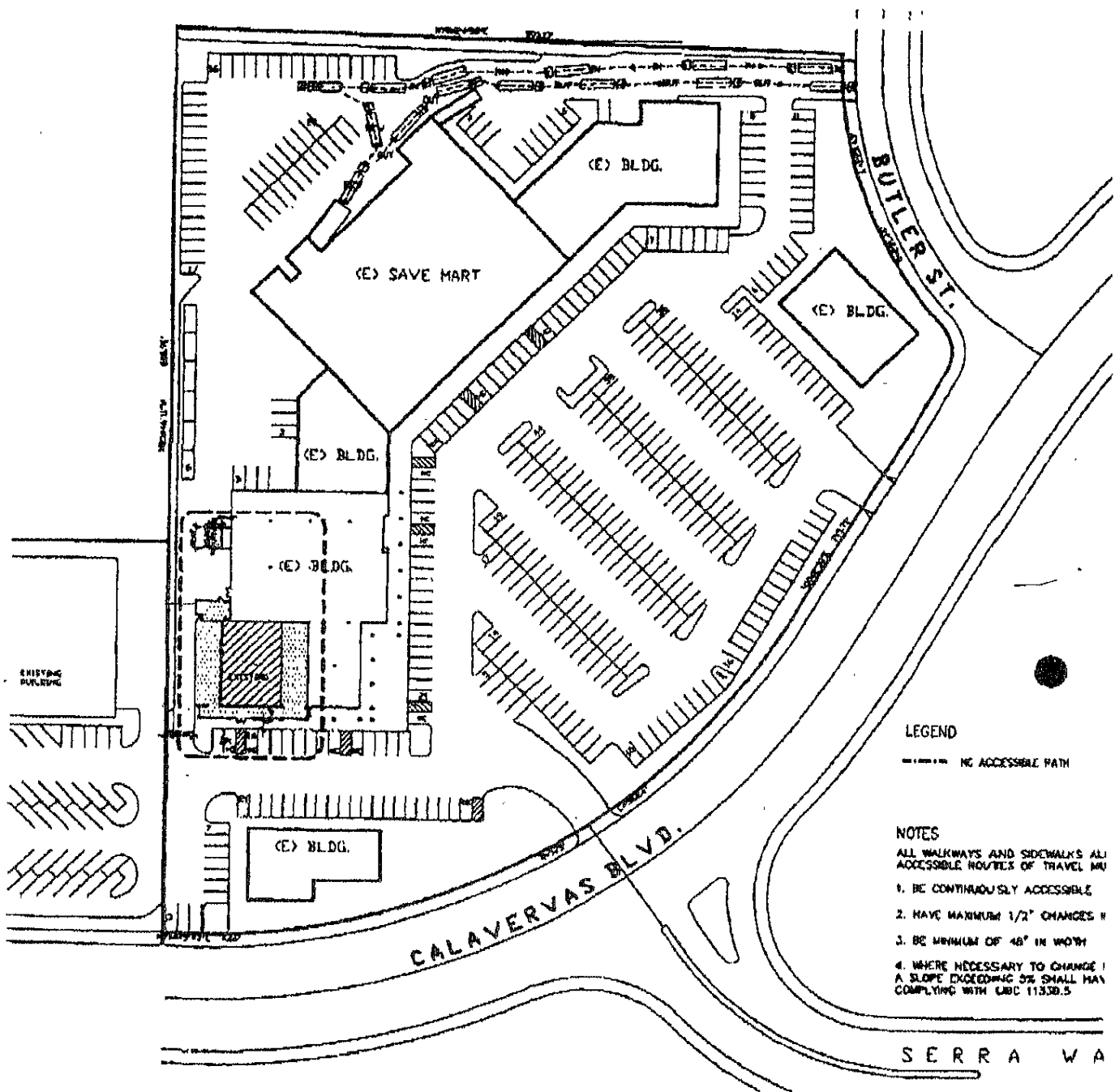


Figure 1, Parking Lot Layout and Site Plan

Table 1. Parking Accumulation Survey
Calayeras Plaza Parking Lot (1)

Time	Wednesday (2/12/2003)	Thursday (2/13/2003)	Friday (2/14/2003)	Saturday (2/15/2003)
10:00 - AM	187	135	118	123
11:00	233	144	138	138
12:00	271	202	250	181
1:00 - PM	228	226	253	213
2:00	193	172	178	193
3:00	159	161	172	
4:00	162	154	146	
5:00	185	149	164	
6:00	191	162	202	
Total	1809	1495	1621	848
Average	201	166	180	170

(1) The parking lot has a total of 418 parking stalls.

City of Milpitas

Planning Division

455 E. Calaveras Blvd., Milpitas CA 95035

(408) 942-5185

RESOLUTION NO. 168

A RESOLUTION REGARDING STANDARD CONDITIONS FOR COMMERCIAL DEVELOPMENT

WHEREAS, THE CITY PLANNING COMMISSION regards the site appearance of commercial development as being important to community pride,

WHEREAS, CERTAIN "STANDARD" CONDITIONS having consistently been required by the Planning Commission for commercial developments,

WHEREAS, THE CITY PLANNING COMMISSION wishes to aid developers in the preparation of the Site Plans for commercial developments, and to aid the Commission and staff in reducing the number of special conditions,

THEREFORE, BE IT RESOLVED, that the City Planning Commission shall require the following items to be noted on all plans submitted with building permit applications for all commercial developments:

1. Prior to issuance of a building permit, a landscape plan shall be submitted to and approved by the Planning Commission. Said plan shall indicate location and type of trees (deciduous or evergreen), shrubs and ground cover, including sizes and quantities. The applicant is encouraged to utilize mature trees at key areas or focal points on the site to compliment the existing or proposed on-site structures. The landscape plan shall comply with City Council Ordinance No. 238 (An ordinance of the City of Milpitas regulating efficient water use for new or rehabilitated landscapes and existing landscapes).
2. All planter areas shall be serviced by a sprinkler head or drip system.
3. All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance.
4. Prior to issuance of an occupancy permit on this site, the required landscaping shall be planted and in place.
5. All landscaped planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. Plans indicating the curb elevations along public streets shall be approved by the City Engineer prior to construction.
6. All driveway approaches installed in the public right of way shall conform to Public Works Department standards.
7. Any public improvements on the frontage of the subject property that are now or that become damaged during construction shall be restored to the satisfaction of the City Engineer.

8. All on-site public and employee parking, accessways, driveways, loading or similar areas intended for public use shall be paved in accordance with MMC, Title II, Chapter 13, Section 18 as required for commercial developments.
9. All roof-top equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or a line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles.
10. In the event that a fill of over 18 inches above the natural grade is required at the rear or side property line, a grading plan shall be reviewed and approved by the Planning Commission prior to the issuance of a grading permit.
11. On-site utility transformers, boxes, etc. located at the front of the site shall be placed underground (subsurface vaults) or be located at the rear of the property and screened from public view in a manner to the approval of the Planning Commission. For new or relocated transformers or utility boxes on existing developed sites, refer to Section XI-10-42.10-2 of the Milpitas Municipal Code.
12. The applicant shall make changes as noted on Engineering Services Exhibit "S" and return one revised set of exhibit "S" and five sets of civil engineering drawings showing all proposed utilities to the Land Development Engineer for plan check.
13. Sidewalks in street rights-of-way shall be in accordance with Standard Drawing No. 426, and shall include 4'x4' tree wells with irrigation bubbler heads connected to the City's water system. The specific tree type and interval shall be determined by the Engineering Division. Trees shall be planted in accordance with Standard Drawing No. 448 (15 gallon minimum size).
14. Whenever on-site drainage is directed to the street right-of-way, either a connection to an underground system or through curb drains shall be installed. A plan of the system, as it affects the street right-of-way, shall be approved by the City Engineer prior to construction.
15. Any work within the City's right of way requires an encroachment permit from the Engineering Division of the Public Works Department.
16. All survey monumentations shall be protected in place. Any disturbed or covered monument shall be reset by a registered civil engineer or land surveyor at the direction of the City Engineer.
17. Site distance areas as indicated on the City standard drawing shall not be obstructed. Overall cumulative height of the grading, landscaping and signs within the sight distance area shall not exceed 2 feet.

RESOLUTION NO. 6296

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
CONSISTING OF GUIDELINES FOR RECYCLING ENCLOSURES

WHEREAS, Cities and Counties must divert a minimum of 50 percent of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities; and

WHEREAS, diverting a minimum of 50 percent of all solid waste requires the participation of the residential, commercial, industrial, and public sectors; and

WHEREAS, the lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milpitas has adopted this resolution consisting of guidelines for recycling enclosures.

1. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.
2. Recycling enclosures in new developments shall be screened and designed to be architecturally compatible with nearby structures.
3. Existing developments may locate exterior recycling containers and equipment on site for a temporary six-month trial period without having to apply for review and approval. If the containers are to remain thereafter, the owner shall apply for approval in accordance with MMC, Title XI, Chapter 10, Section 54.15-3.
4. Recycling enclosures or the bins or containers placed therein must provide protection against adverse environmental conditions which might render the collected material unmarketable.
5. Driveways or travel aisles shall provide unobstructed access to recycling areas for collection vehicles and personnel.
6. A sign clearly identifying the recycling and solid waste collection and loading area shall be posted on the exterior of the enclosure.
7. The design, construction, and location of recycling areas shall not be located in any area required by law to be unencumbered.

8. All recycling areas shall be located so they are at least as convenient to the user as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials should be adjacent to the trash collection areas.
9. Each recycling area within a residential development shall be no greater than 250 feet from each living unit.
10. Any enclosure shall be located as far away as practical from any storm water drain inlets.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas, as follows:

PASSED AND ADOPTED this 5th day of April, 1994, by the following vote:


AYES: (5) Mayor McHugh and Councilmembers Lawson, Lee, Livengood, and Skyrud

NOES: (0) None

ABSENT: (0) None

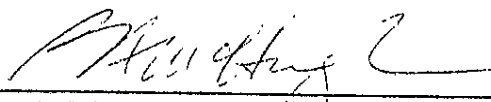
ABSTAIN: (0) None

ATTEST:



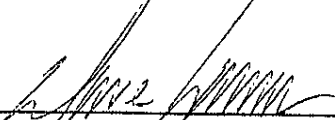
Gail Blalock, City Clerk

APPROVED:



Peter A. McHugh, Mayor

APPROVED AS TO FORM:



Dave Larsen, City Attorney

54.15 Areas for Collecting and Loading Recyclable Materials
(Ord 38.687, 5/19/94)

9-18-95

54.15-1 Recycling Areas At New Developments

Areas for Collecting and Loading Recyclable Materials are required for:
(Ord 38.687, 5/19/94)

- a) Any project for which a building permit will be required for a commercial, industrial, or institutional building, or residential building having five (5) or more living units, where solid waste is collected and loaded; and any residential project where solid waste is collected and loaded in a location serving five (5) or more units using containers of one (1) cubic yard or larger. (Ord 38.687, 5/19/94)
- b) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste in containers of one (1) cubic yard or larger
(Ord 38.687, 5/19/91)

54.15-2 Recycling Areas At Existing Developments

Recycling areas are required to be added to existing development projects if one or more of the following conditions occurs: (Ord 38.687, 5/19/94)

- a) The area subject to modifications or amendment is that part of a development which is used for collecting and loading solid waste. This condition applies regardless of the size of the modification, or
(Ord 38.687, 5/19/94)
- b) A single modification, or multiple modifications which are constructed within a twelve (12) month period, which collectively adds thirty (30%) percent or more to the existing gross floor area of the development project. —
(Ord 38.687, 5/19/94)

54.15-3 Waiver of parking spaces, encroachment into landscaping or open space areas for voluntary participation: (Ord 38.687, 5/19/94)

- a) When the property owner or tenant, with the property owner's approval, voluntarily participates in the recycling program in an existing development, the recyclable area may utilize up to two (2) parking spaces or encroach into any side or rear yard landscape setback or open space area for the location of the recycling container if no other area is available. The Community Development Manager may approve of the plan and shall provide a written decision supporting the decision. (Ord 38.687, 5/19/94)
- b) Provided further, if the Community Development Manager does not approve the property owner's or tenant's request, they have the right to appeal by filing an "S" Zone Amendment application to the Planning Commission. There shall be no filing fee associated with this review. (Ord 38.687, 5/19/94)
- c) The loss of the two (2) parking spaces shall not be deducted from the total count of parking for the purpose of meeting the on-site parking criteria, from calculating the gross floor area of the building or seating requirement, or for any other use that is determined by the amount of parking space. (Ord 38.687, 5/19/94)

54.15-4 Design Guidelines

The design and construction of recycling areas shall be reviewed in accordance with the guidelines adopted by Council Resolution for recycling areas. (Ord 38.687, 5/19/94)